

### **REMARKS**

Claims 1-2, 4-8, 10-23, 25-27, 29-31, 33, 36-41, and 48-52 are pending in the application, of which Claims 19-22 and 48-52 are withdrawn from consideration. Claims 1-2, 4-8, 10-18, 23, 25-27, 29-31, 33, and 36-41 are rejected. Claims 5, 11, 12, 19-22, and 48-52 have been cancelled, and Claims 1, 8, 10, 13, 18, 23, 29, 30 and 31 have been amended. Support for the amendments can be found throughout the application, drawings and claims as originally filed and, as such, no new matter has been presented. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **DOUBLE PATENTING REJECTION**

Claims 1-2, 4-8, 10-18, 23, 25-27, 29-31, 33, and 36-41 were rejected under the grounds of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-6 of U.S. Pat. No. 6,818,851. Inasmuch as U.S. Pat. No. 6,818,851 is assigned to the same Assignee as the present invention, attached please find a Terminal Disclaimer to Obviate a Double Patenting Rejection over a "Prior" Patent. Therefore, this rejection has been rendered moot.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 1-2, 4-8, 10-18, 23, 25-27, 29-31, 33, and 36-41 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter. Specifically, in Claims 1 and 23, there is not antecedent basis for the fastener welded to the surface as required by limitation "upon

the welding”; in Claims 8 and 18, “an annular weldment” appears to be a double inclusion since that feature has already been claimed as “an annular weldment area” and/or “annular weldment surface”; and in Claims 10, 18 and 31, it is unclear what the “web” refers to since it appears as if it is referring to the same features previously claimed as the head and, at in at least Claim 10, there is no antecedent basis for “the member” which includes the web. Claims 1 and 23 have been amended to overcome the Examiner’s objections. The Office has objected to Applicants use of “annular weldment” and “annular weldment area.” Applicants submit that the annular weldment represents the weld, while the annular weldment area by way of non-limiting example can be the annular ring which forms a portion of the head.

With respect to the Office’s objection to the limitation “web,” Applicants submit by way of non-limiting sample, that the web can be the area between the stud shaft and the weldment area 26. Claim 10 has been amended to overcome the Examiner’s objection.

#### **REJECTIONS UNDER 35 U.S.C. § 103**

Claims 1-2, 6-8, 10-12, 14-18, 31, 33, and 36-41 stand rejected under 35 U.S.C. 103(a) as being unpatentable by Bregenzer (GB 2,065,011) in view of Mielke (WO 03/022504). Claims 4 and 13 stand rejected as being unpatentable over “modified Bregenzer” as applied to Claims 1, 8 and 10-12 above, and further in view of Hubert et al. (WO 03/042554). In view of the amendments and arguments herein, these rejections are respectfully traversed.

The Examiner's attention is directed to Claim 1 which has been amended to incorporate the limitations of allowable Claim 5. As such, Applicants submit Claims 1, 2, and 4-7 are in condition for allowance.

The Examiner's attention is directed to Claim 8 which has been amended to incorporate the limitations:

wherein the threaded shank has a first torsional failure strength, said head has a second torsional failure strength, said annular weldment has a third torsional failure strength, said third torsional failure strength being greater than the second torsional strength, and said second torsional strength is greater than the first torsional strength.

With respect to Claims 8 and 31, Applicants submit that the references cited do not teach or suggest a fastener with the specific dimensional limitations that has a web portion which fails in torsion after the shank. This failure mode offers a specific benefit to industries which, for fuel economy reasons, are now turning to lightweight laminate materials. Applicants further submit that the stud as configured provides welding parameters as is shown in Figure 12 of the instant application. Applicants submit the combination of improved welding parameters and beneficial failure loads is not obvious.

#### **ALLOWABLE SUBJECT MATTER**

The Examiner states that Claims 5, 23, 25-27, 29, and 30 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office Action. In view of the amendments made herein and the arguments set forth above, it is believed that these claims are now in condition for allowance.

### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

CAE/lf-s/smb

By: 

Christopher A. Eusebi, Reg. No. 44,672